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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,742	02/19/2002	David Neil Slatter	30004064-2	4921

7590 10/23/2006
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/078,742	Applicant(s) SLATTER ET AL.	
	Examiner Lin Ye	Art Unit 2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-8, 10-14 and 18-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See attached.


Lin Ye
Primary Examiner
Art Unit: 2622

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on 10/10/2006 have been fully considered but they are not persuasive as to claims 1-8, 10-14 and 18-23.

For claims 1, 18 and 19, the applicants argue that applicants fails to appreciated how it is obvious to combine Fitch with Lin, because Fitch is so obviously concerned with securing the liquid crystal display to a garment to protect the device and to prevent theft, it is not understood how a fastening mechanism taught by Lin is consistent with those objectives. (See Applicant's REMARKS page 7, lines 6-19, page 10, lines 6-19 and page 12, lines 11-24).

The examiner disagrees. The Fitch reference discloses in Figure 3 and Col. 4, lines 41-47, the jacket (garment) comes with a built-in global positioning system GPS "for security against theft. Information of the location of the jacket can be used and broadcast to inform law enforcement as well as friends to give information of the position of the location of the wearer of the jacket". It should be noted that this is different than the applicants argument "Fitch is so obviously concerned with securing the liquid crystal display to a garment to protect the device and to prevent theft", because Fitch uses the GPS system is for determining the location of the jacket and does not state the LCD display can not be separated from the jacket (e.g., It is nothing to do with choosing what type of fastening mechanism for attaching the electronic device on the garment such as LCD). In other side, the Fitch reference discloses a plurality type electrical devices, LCD, input devices (e.g., video camera 40, video recorder 38, video tuner 36, see Col. 3, lines 40-44 and Col. 4, lines

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31-33) can be attached on the garment. Therefore, it would have been obvious to one of ordinary skill in the art to see more advantages the LCD is detached from the garment by replacing other electronic device such as video camera, video recorder, etc. on the garment.

The Lin reference teaches using pins to secure the electronic device (e.g., electronic badge) on the garment. The both Fitch reference and Lin reference teach an analogue art for securing the electronic device on the garment. Therefore, The Lin reference is evidence that one of ordinary skill in the art at the time to see more advantages the wearable electronic device using an electrically conducting connection pin to secure the front and the rear portions so that wearer can easily attach or detach both front and rear portions of device from cloth and has more flexible option to choice any types electronic device for the front portions (See Col. 2, lines 50-64, Figures 3 and 7). For that reason, it would have been obvious to one of ordinary skill in the art to modify the wearable device of Fitch by providing an electrically conducting connection pin to secure the front and the rear portions as taught by Lin.

The applicants argue that Fitch seemingly discloses that a transmitter/receiver is located inside the garment. For at least this reason, Fitch fails to teach or suggest, "Wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing" as recited in the claim (See Applicant's REMARKS page 7, lines 20-32, page 10, lines 20-32 and page 13, lines 1-7).

The examiner disagrees. As discussed above, the Fitch discloses various types of the electronic device is adapted to be worn outside a wearer's clothing, such as video tuner 36, video camera 40, audio output devices, input devices, etc. Those devices are considered as the "front portion" which includes transmission and reception sections. The examiner

understands the Fitch reference also discloses the circuit board 88 having microcontroller 22 and transmitter/receiver 72. However, the claims 1, 18 and 19 do not require the inside the garment cannot have any other transmitter/receiver.

Additionally, Applicants argue that Fitch appears to provide no suggestion or motivation for modifying its teaching s to include the suggested fastening mechanisms since they do not appear to be consistent with the teachings of Fitch, because the liquid crystal display in Fitch is seemingly intended to be fastened to be fastened securely to a jacket, such that theft to the jacket itself is more likely than then theft of the liquid crystal display by itself. As such, the reasoning for the proposed modifications of allowing easily attachment and detachment of front and rear portions using “ping engaged in to clips” does not appear to be supported by the Fitch reference (See Applicant’s REMARKS page 8, lines 3-21, page 11, lines 3-21 and page 12, lines 10-28).

The examiner disagrees. The Fitch’s Col. 4, lines 43-47 does not support the applicant argument “...Fitch is seemingly intended to be fastened to be fastened securely to a jacket, such that theft to the jacket itself is more likely than then theft of the liquid crystal display by itself ...”. because Fitch uses the GPS system is for determining the location of the jacket and does not state the LCD display can not be separated from the jacket (e.g., It is nothing to do with choosing what type of fastening mechanism for attaching the electronic device on the garment such as LCD). In other side, the Fitch reference discloses a plurality type electrical devices, LCD, input devices (e.g., video camera 40, video recorder 38, video tuner 36, see Col. 3, lines 40-44 and Col. 4, lines 31-33) can be attached on the garment. Therefore, it would have been obvious to one of ordinary skill in the art to see more advantages the LCD

is detached from the garment by replacing other electronic device such as video camera, video recorder, etc. on the garment.

The Lin reference teaches using pins to secure the electronic device (e.g., electronic badge) on the garment. The both Fitch reference and Lin reference teach an analogue art for securing the electronic device on the garment. Therefore, The Lin reference is evidence that one of ordinary skill in the art at the time to see more advantages the wearable electronic device using an electrically conducting connection pin to secure the front and the rear portions so that wearer can easily attach or detach both front and rear portions of device from cloth and has more flexible option to choice any types electronic device for the front portions (See Col. 2, lines 50-64, Figures 3 and 7). For that reason, it would have been obvious to one of ordinary skill in the art to modify the wearable device of Fitch by providing an electrically conducting connection pin to secure the front and the rear portions as taught by Lin.

For claim 5, the applicant argues that Fitch in view of Lin fails to teach or suggest claim 5 (See Applicant's REMARKS page 9, lines 7-15).

The examiner disagrees. The claim 5 is only required the front portion comprises an image capture means, and the front portion is external to the jacket ("worn outside a wearer's clothing" as recited in claim 1). For this reason, the Fitch reference clearly discloses in which the front portion comprises an image capture means (e.g., miniature video camera considered as the front portion is external to the jacket and electronically **connected** to the control section as microcontroller 22 which included in the rear portion as shown in Figure 6, See Col. 3, lines 40-42 and Col. 5, lines 35-46).

2. The claims 1-8, 10-14 and 18-23 are rejected as set Final in the previous Office Action mailed on July 11, 2006.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Primary Examiner
Art Unit 2622

October 19, 2006